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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 BILLIE JO COLE,

12 Plaintiff,

13 v.

14 NANCY A. BERRYHILL, Deputy
15 Commissioner of Social Security for
16 Operations,

17 Defendant.

18 CASE NO. 3:17-cv-05850-MJP-JRC

19 REPORT AND RECOMMENDATION
20 ON STIPULATED MOTION FOR
21 REMAND

22 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
23 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*,
24 *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on
defendant's stipulated motion to remand the matter to the administration for further consideration
(Dkt. 16).

1 After reviewing defendant's stipulated motion and the relevant record, the undersigned
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the
3 Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

4 On remand, the administrative law judge (ALJ) should hold a *de novo* hearing and issue a
5 new decision. The ALJ shall:

- 6 1. Consider the evidence as a whole, and provide plaintiff with an opportunity to submit
7 additional evidence;
- 8 2. Reevaluate the medical evidence as a whole;
- 9 3. Reevaluate plaintiff's testimony;
- 10 4. Reassess plaintiff's residual functional capacity;
- 11 5. Obtain vocational expert testimony at steps four and five.

12 The parties agree that reasonable attorney fees will be awarded under the Equal Access to
13 Justice Act, 28 U.S.C. § 2412, following proper request to the Court. Plaintiff may file his EAJA
14 application immediately following entry of this Court's judgment.

15 Given the facts and the parties' stipulation, the Court recommends that the District Judge
16 immediately approve this Report and Recommendation and order the case be **REVERSED** and
17 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 13th day of April, 2018.

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22 J. Richard Creatura
23 United States Magistrate Judge
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